REMARKS

In the December 14, 2006 Office Action, the Examiner noted that claims 1-3, 37-39, 41 and 43-46 were pending in the application; claims 1-3, 37-39 and 43-45 were withdrawn from consideration; and claims 41 and 46 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 5,956,468 to Ancin in view of U.S. Patent 5,168,373 to Nakamura (References A and B, respectively in the December 14, 2006 Office Action). Claims 1-3, 37-39, 41 and 43-46 remain in the case. The rejections are traversed below.

In the paragraph spanning pages 2 and 3 and the last paragraph on page 4 of the December 14, 2006 Office Action, it was asserted that column 4, lines 5-15 of Ancin disclosed "calculating a read resolution of an input image for each color element" (claim 41, line 2) and "calculating a read resolution of each color component of the input image" (claim 46, line 5). However, this portion of Ancin merely describes using a lower resolution preview image of "60 or 90 dots per inch" (column 4, line 9) to identify text and image regions in a scanned document. No suggestion has been found of "calculating a ... resolution" as recited in claims 41 and 46 or described in the subject application on pages 43-47 with reference to Fig. 7 for the reasons discussed at page 40, lines 10-23 of the application.

In the first paragraph on pages 3 and 5 of the December 14, 2006 Office Action, it was asserted that column 9, lines 43-63, column 11, lines 1-53 and column 18, lines 1-6 of Ancin disclosed "setting a labeling threshold of the input image as a first threshold value based on the read resolution for each color element" (claim 41, lines 3-4) and "setting a labeling threshold of the input image as a first threshold according to the read information about the input image by setting a labeling threshold for the input image according to the color difference information" (claim 46, lines 6-8). However, without a "read resolution" on which to base the labeling threshold, the setting operation disclosed by Ancin is different than in the present invention.

Furthermore, what little is described about bi-level or multilevel thresholding (see column 11, lines 39-53) in the cited portions of columns 9, 11 and 18 in Ancin does not indicate that "color difference information" as recited in claim 46 is used in setting the labeling threshold. It is possible that elsewhere in Ancin there is a description of something that could be considered color difference information being used to set the labeling threshold, but that has not been cited. Instead, page 5, lines 4-12 of the December 14, 2006 Office Action provided an explanation of the reasoning used. Applicant does not understand this explanation. It appears that the meaning of terms in the claims may have been misinterpreted. It is respectfully requested that

clarification be provided regarding where <u>Ancin</u> discloses using "color difference information" in setting the labeling threshold.

In the paragraph spanning pages 3 and 4 of the December 14, 2006 Office Action, it was acknowledged that <u>Ancin</u> does not disclose "correcting the first threshold to set a second threshold for determining a unicolor range with standard deviation obtained from color variance about the unicolor pattern extracted from the input image" (claim 41, lines 7-9), but it was asserted that column 37, lines 25-50 of <u>Nakamura</u> discloses this feature of the invention. It was further asserted that "[t]he defining of the colors in an image is done by standard deviation and variances of the gray scale/color scale of the pixels in the image" (Office Action, page 4, lines 3-5) without citation to anything in the prior art. <u>Nakamura</u> does not mention "variance" or "standard deviation" only "pixel deviation" (e.g., column 8, line 54) and "angle of deviation of the average hue of a frame" (column 42, lines 60-61). Therefore, it is submitted that the combination of <u>Ancin</u> and <u>Nakamura</u> does not teach or suggest correcting thresholds as recited in claim 41.

In the second paragraph on page 6 of the December 14, 2006 Office Action, it was acknowledged that <u>Ancin</u> does not disclose the three operations recited on the last 5 lines of claim 46. However, column 37, lines 23-50 of <u>Nakamura</u> was cited as disclosing these operations. While this portion of <u>Nakamura</u> describes "adjust[ing] the range of threshold values for color detection, or the range over which various similar colors are recognized to be the same as a designated color" (column 37, lines 45-48), it is unclear whether this is done "according to color information about the unicolor pattern extracted from the input image" (claim 46, line 17).

For the above reasons, it is submitted that claims 41 and 46 patentably distinguish over the combination of <u>Ancin</u> and <u>Nakamura</u>.

Summary

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that at least claims 41 and 46 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: March 14, 2007   By: /Richard A. Gollhofer/
                                        Richard A. Gollhofer
                                        Registration No. 31,106

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501